I. Call to Order/Roll Call

Chairman Dan Kowalski called the Regular meeting of the Board of Selectmen to order at 7:04 PM in the Selectmen's conference room in the Town Offices. Present: Chairman Kowalski-Y and Selectmen Brian Major-Y, Paul Salafia-Y, Alex Vispoli-Y and Mary O'Donoghue-Y. Also present: Town Manager Reginald S. Stapczynski, Assistant Town Manager Steve Bucuzzo and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. <u>Moment of Silence/Pledge of Allegiance</u>

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- \sim The 4th of July events include fireworks on July 3rd at dusk at Andover High School and the Pancake Breakfast and Horribles Parade on July 4th in The Park from 8:00 A.M. to Noon.
- ~ The Tennessee Gas Pipeline Company has been notified by the Town to cease and desist from all activity in Andover until a community meeting is scheduled to discuss the pipeline project sometime in mid-July possibly at the Wood Hill Middle School where there is sufficient seating.
- ~ The Board of Selectmen will meet in Executive Session on Wednesday, June 18th with Labor Counsel to begin preparations for collective bargaining.

Town Clerk Larry Murphy reported that the Home Rule Petitions (Senior Tax Relief Bill and Health Insurance for Elected Officials) have both been filed at the State House and Representatives Moran and Lyons are hopeful they will get through this legislative session before July 1st.

Mary O'Donoghue reported that she attended a very informative seminar hosted by the Massachusetts Selectmen's Association for newly elected officials which covered a wide range of topics ranging from conflict of interest, state ethics, to budgetary issues.

Alex Vispoli said he would like to have the Town's Automobile Policy and an analysis of the Overtime Policy he requested from the Town Manager on a future agenda.

Brian Major reminded everyone that the deadline to sign up for the Solarize Andover Project is nearing its final two weeks. Residents are encouraged to sign up and take advantage of the discounts and benefits setup by the State.

Paul Salafia reported that discussions will be resuming soon on the PILOT Program in lieu of taxes for private non-taxable institutions.

IV. <u>Citizens Petitions and Presentations</u>

A. Mary Robb, Andover High School teacher, accompanied by several students from her Democracy in Media class gave a brief presentation (produced by the students) on the "I Will" campaign class project. The Town-wide "I Will" campaign invites everyone to join the students in making a pledge to do something helpful and positive on September 11th. Please go to www.911day.org to make your pledge.

B. <u>All others</u>

John Pasquale, 47B Whittier Street, said he is concerned about the direction of the Town Yard and asked if the Selectmen have given the Town Manager any direction. Chairman Kowalski reported that the Town Manager has been directed to pursue the least costly option and to locate the Municipal Center on Town property. The Town Manager will be providing a report and ideas to the Board.

John Pasquale also asked why the "old Deyermond Field" is still being used for sports and if it is contaminated, it should be closed. He suggested using it as a staging area for the Town Yard. Chairman Kowalski said the field is safe, the Town is required to remediate the situation and the strategic direction to do this is in the queue.

V. <u>Public Hearings</u>

A. <u>National Grid – Continued from June 2, 2014 Meeting</u>

Selectman Vispoli read the request by National Grid for permission to excavate a public way and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as may be deemed necessary for the transmission of electricity and to make the necessary house connections as located on: High Street – replace UG primary cable with cable in duct off riser poles #1910 at 173R High Street and #1916 at 2-10 Longwood Drive as shown on Plan #16453832, dated May 14, 2014. The request has been reviewed and approved by the Engineering Division of the Municipal Services Department subject to the condition that the petitioner obtains a street opening permit prior to the commencement of any construction. On a motion by Selectman Major and seconded by Selectman Salafia, the Board voted 5-0 to approve.

B. <u>Cable Television License Renewal – Public Ascertainment Hearing</u>

Pursuant to 207 CMR 2.00, 207 CMR 3.00 and 47 U.S.C. 546, the Board of Selectmen, in their statutory capacity as Andover's Cable License Issuing Authority, a Public Ascertainment Hearing will be held to discuss Verizon New England, Inc.'s proposed renewal of its non-exclusive cable license with the Town of Andover. Chairman Kowalski read a statement regarding the Verizon N.E. License Renewal proceedings as required. The license is due to expire in September 2016. The proceedings will result in

a renewal or denial of the license. Comments and testimony will be received form the general public and the needs of the Town and the community's cable service identified.

Attorney Bill August, legal counsel specializing in cable television, explained the negotiating process. He said the main purpose of tonight's meeting is to gather information related to the needs of the Town. State law caps renewal licenses not to exceed ten (10) years, shorter licenses are negotiable, but not for less than a three (3) year term. The Town's existing license expires September 2016. The legal advertisement published in the *Eagle Tribune* as required for the public hearing was submitted and entered into the record.

Wess Murphy, Executive Director Andover Community Access & Media, gave a brief synopsis of what ACAM offers for public access stations as a non-profit organization to local organizations. They broadcast 500+ hours of television per month. Andover TV producers complete 7-8 programs per month and residents come to the studio to learn how to use the equipment and make their own shows. They also offer government education programs, live production of Town Meeting for viewing following the meeting, produced 134 municipal meetings, stream all three channels live on the web, and, among other activities, run an instructional studio for AHS students.

Dan Brennan, 6 Golden Oaks Road, who is also a member of Andover Community Access & Media, provided a letter on behalf of Elaine Clements, Executive Director of the Andover Historical Society, supporting the services provided by Andover Cable TV and how they have provided a valuable service to the Andover Historical Society recording and airing their programs. The most valuable service provided by ACAM to the Historical Society is their high quality video production. A letter from journalist Eszter Vajda was also submitted into evidence. In the letter she stated that the Andover Cable TV staff is the most hard-working and professional staff she has worked with in her fifteen years as a journalist.

In addition, Beth Mazin, Director of the Memorial Hall Library, Bill Fahey, Director of Youth Services, Stephanie Trainer, League of Women Voters, Ken Early, 25 Boston Road, Dustin St. James, High Street and the Town/School CIO Paul Puzzanghera all spoke highly in support of the services provided by the staff of the ACAM. Mr. Puzzanghera said funding from Verizon will be crucial to the Town and School Emergency Communication System upgrade and network funds will be extremely important to the Town.

Assistant Town Manager Steve Bucuzzo is the Staff Liaison and Coordinator for the Cable Renewal Process. He provided an update on his past experience in the cable licensing process and is well tuned to the laws relating to the process and how the process should proceed. There are two remaining members on the original Cable Advisory Committee who are willing to continue to serve. Anyone interested in volunteering for the Cable Advisory Committee should submit a Talent Bank Form that

can be found on the Town's website. They are well-equipped with in-house expertise to begin the two year process and negotiate a good contract.

Brian Major asked what the change recommendations are. Dan Brennan said they would like to have HD thru-put because an HD channel will increase the number of viewers. Paul Salafia asked how the Board can help affect the goal of HD during negotiations.

The Verizon representatives at the meeting were very impressed with the number of people in attendance at the public hearing.

Next steps: Identify specific needs, research into specifications of needs that have not been identified (nuts/bolts), financial and budget analysis, and ascertain where Verizon is in terms of High Definition, get the internal consensus of the Board and then negotiate.

On a motion by Alex Vispoli and seconded by Paul Salafia, the Board of Selectmen voted 5-0 to continue the hearing.

VI. Regular Business of the Board

A. Feng Fu., Inc., d/b/a Karma Liquor License

Brian Major motioned to approve the request of Feng Fu, Inc., d/b/a Karma, for a waiver of the limitation of one extension on their All-Alcoholic Beverage License as contained in Section A.3 of the Selectmen's Alcoholic Beverages Licensing Policy are recommended by the Town Clerk, and to grant permission to the Town Clerk to process the All-Alcoholic Beverage License once all inspections and requirements are met, (pending a further review date of September) signed and delivered to the Town Clerk by September 30, 2014. The motion was seconded by Paul Salafia and voted 5-0 to approve.

B. <u>Investment Policy</u>

Selectman Major moved to adopt the change to the Investment Policy as presented and as recommended by the Town's Auditors. The motion was seconded by Mary O'Donoghue and voted 5-0 to approve.

C. Retirement Board

James Cuticchia, Chairman of the Retirement Board, and Elena Kothman, Retirement Executive Director, gave a presentation on the classification and justification of duties and responsibilities of members who serve on the Retirement Board. PERAC (Public Employee Retirement Administration Commission) is the Massachusetts oversight agency for 105 retirement systems. A Retirement Board is independent of the municipality whose employees make up the membership of the System. They have their own separate assets and liabilities under the jurisdiction of their own separate board. As an independent entity, a Retirement Board is not subject to the constraints of a municipal department.

Per Mass General Law, Chapter 32, the Town Accountant (Theo Moccia) is the board member ex-officio and the second member is appointed by the Board of Selectmen, third and fourth members are elected by the members of the system and are active or retired members (James Cuticchia and Elena Kothman). The fifth member (Atty. Anthony Stankiewicz) is chosen by the other four and cannot be an employee, retiree, or official of the governmental unit. One of the five members is selected to serve as Chairman (James Cuticchia). The second member position of Andover's Retirement Board has been vacant since June of 2012.

The Board generally meets once per month but more often if the need arises and runs from 1.5 to 3 hours. The Board reviews and interviews actuary firms, legal firms, money managers, and consultants along with reviewing RFP's for all. They also oversee hiring of certain vendors to provide services, and prepare presentations for Town Meeting, the Board of Selectmen, and Joint Board Meetings. Board members are fiduciaries of the Retirement System because they have control over plan assets through investments and purchasing goods and services.

Board members are required to submit an annual Statement of Financial Interests to PERAC and a completed Statement of Financial Interests by May 1st of each year. Board members are required to complete ongoing training of 18 hours of training credits during their 3-year term. A maximum of 9 credit hours are allowed per calendar year. They are also required to complete conflict of interest training every two years.

Selectman Vispoli asked if meeting minutes are posted on the Town's website. Chairman Cuticchia said the Retirement Board chose not to post the minutes on the Town's website but minutes can be requested at the Town Offices. Chairman Kowalski asked if the Executive Session minutes parameters are the same as the Town or different. Chairman Cuticchia said 90% of the meetings have protected information relative to medical or legal cases.

Mr. Cuticchia explained that employees who work 20 hours per week are paying the same amount as full-time employees but their pensions are calculated on the dollar amount earned and they have to work longer to qualify for the same pension as a full-time employee. He spoke about the system that works – the problem is with the unfunded liability from years ago (1937-1985) when employees did not contribute to their pension – today, employees pay 9-11% per pay period.

Next steps: The Board of Selectmen will hold a separate session to discuss strategic ideas, policy and the fiduciary role of the Retirement Board.

D. Board of Selectmen Handbook Discussion

1. Chairman Kowalski to discuss the Meeting Minutes Policy

Chairman Kowalski distributed a draft of a proposed policy for meeting minutes which will be discussed at a future meeting.

2. <u>Selectman Vispoli to discuss the Take Home Vehicle Policy</u>

Selectman Vispoli said the Take Home Vehicle Policy allows the Town Manager to decide who takes home a vehicle and should be changed to reflect that the Board of Selectmen approves this request.

E. Tri-Board OPEB Subcommittee

The Chairs of the three Boards met to identify a charter for the Tri-Board OPEB Research Subcommittee who will identify levers, impacts, expectations of opportunities, and strategies to reduce the OPEB liability. The subcommittee will be made up of two members from each Board. Mary O'Donoghue and Brian Major volunteered to be the representatives from the Board of Selectmen.

F. <u>Solid Waste/Recycling Update</u>

The Town Manager and Municipal Services Director Chris Cronin gave a status report on the Solid Waste and Recycling contracts/services for FY-2015, 2016 and 2017. It was a competitive request for proposals with a 5-year term (a 3-year term with a 2-year option), maintaining level services, weekly recycle option, automated pickup and to consider a 2-3 barrel minimum. Four bids were received and Republic Services had the low bid for Solid Waste and Integrated Paper Recyclers for a 3-year contract with a 2-year renewal option. Contracts with the potential of exceeding three years need a formal vote by the Board of Selectman authorizing the Town Manager to enter into such an agreement. The Town Manager requested the Board of Selectmen authorize him to award the Solid Waste and Recycling contracts in excess of three years.

Selectman Major motioned that the Board of Selectmen authorize the Town Manager to award contracts for Solid Waste Collection & Disposal and Recycling Collection for a three-year period (July 1, 2014 through June 30, 2017), with the option to renew for two additional one-year periods at the discretion of the Town. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

G. <u>Future Meeting Dates</u>

The Board agreed to the following future meeting dates: July 7th and 21st, August 4th and 18th and September 15th and 22nd.

VII. All Other Business

None

VIII. Consent Agenda

A. <u>Appointments and Re-Appointments</u>

On a motion by Selectman Vispoli and seconded by Selectman Major, the Board voted 5-0 to approve the following appointments and re-appointments as presented by the Town Manager.

DEPARTMENT	POSITION	RATE	EFF. DATE
POLICE DEPARTMENT			
Barry N. Dubois	Patrolman	P500-1-0/\$49,159	7/21/14
	(v. E. Robitaille)		
Joseph Allard	Patrolman	P500-1-0/\$49,159	7/21/14
, 1	(v. S. Neal)	, ,	
Christopher Hughes	Patrolman	P500-1-0/\$49,159	7/21/14
Christopher Trughes	(v. F. Fitzpatrick)	1 300-1-0/ψ±2,132	//21/14
MUNICIPAL SERVICES DEPARTMENT – Public Works/Engineering Division			
Denny P. Driscoll	Civil Engineering Intern (v. T. Cross)	\$11.00/hr.	6/17/14
YOUTH SERVICES			
Geoffrey Fulgione	Counselor 2 – PT	C3C/\$9.25/hr.	6/4/14
Ryan Hodgdon	Counselor 2 – PT	C3A/\$8.75/hr.	6/4/14
Kyle Lightner	Program Assistant 2	IE-14/\$43,172	4/14/14
COMMUNITY SERVICES			
Amy A. Bolton	Counselor – PT	C2A/\$8.00/hr.	6/2/14
John M. Mahan	Counselor – PT	C2A/\$8.00/hr.	6/2/14
Eliana M. Kafantis	Counselor – PT	C2A/\$8.00/hr.	6/11/14
Samuel J. Mack	Counselor – PT	C2A/\$8.00/hr.	6/11/14
Justin D. Fague	Counselor – PT	C2A/\$8.00/hr.	6/11/14
Stephanie E. Sauvage	eau Counselor – PT	C2A/\$8.00/hr.	6/11/14
MEMORIAL HALL LIBRARY			
Kathleen Rigazio	Page – PT	L1-1/\$8.00/hr.	7/23/14
	(v. M. Howell)		

CONSERVATION OVERSEER

Ernest Baldwin, Jr. – Term expires June 30, 2017

On a motion by Selectman Vispoli and seconded by Selectman Salafia, the Board unanimously approved the following re-appointment by the Town Manager:

DIRECTOR OF EMERGENCY MANAGEMENT

Police Chief Patrick E. Keefe – Term expires June 30, 2015 – \$1,500.yr.

On a motion by Selectman Vispoli and seconded by Selectman Salafia, the Board unanimously approved the following re-appointments as printed, by the Town Manager:

Audit Committee - Term expires 6/30/17

Steven G. Caron

Kathleen O. Sherman

Ballardvale Historic District Commission – Terms expire June 30, 2017

Diane R. Derby

Gary R. Rowe

Robert Branca – Alternate Member

Commission on Disability – Terms expire June 30, 2017

Ruth A. Rosensweig

Stephen W. Surette

Sarah Paterson

Conservation Commission – Terms expire June 30, 2017

Donald D. Cooper

Floyd S. Greenwood

Conservation Overseers – Terms expire June 30, 2017

Jon Honea - Bald Hill & North of Pomp's Pond

Robert Dalton – Fosters Pond

William Cheeley – High Street

Council on Aging – Terms expire June 30, 2017

Kathleen M. Devanna

Michael J. Roli

Design Review Board - Terms expire June 30, 2017

Craig D. Gibson

Suzanne Korschun

Elderly Tax Aid Committee – 3 year terms

David J. Reilly

Klaus B. Lasch

Forest Warden – Term expires June 30, 2015

Fire Chief Michael B. Mansfield

Green Advisory Board – Terms expire June 30, 2017 Melanie A. Cutler Anil V. Navkal Girish S. Rao

Board of Health – Term expires June 30, 2017 Katherine Y. Kellman

Housing Partnership/Fair Housing Committee – 3 year term Francis A. O'Connor Kevin M. Cuff William R. Ahearn, IV

Inspector of Animals – Term expires June 30, 2015 Wayne D. Nader

Keeper of the Lockup – Term expires June 30, 2015 Police Chief Patrick E. Keefe

Memorial Hall Library Trustees – Term expires June 30, 2017 Karen M. Herman Mark J. Yanowitz

Merrimack Valley Regional Transit Authority – Terms expire June 30, 2015 Paul Materazzo Lisa Schwarz – Alternate Member Jacki Byerley – Alternate Member

Patriotic Holiday Committee – Terms expire June 30, 2015

Calvin A. Deyermond

Michael Burke

Michael B. Mansfield

Robert S. Hamilton

James F. Bedford

Susan W. Ratyna

Stephen H. Wallingford

R. Scott Parrish

Calvin G. Perry

Laurie M. Farris

Planning Board – Terms expire June 30, 2019 Joan H. Duff Eric M. Macaux

Ann W. Knowles - Associate Member

Preservation Commission – Terms expire June 30, 2017

Leslie A. Frost

Joanna L. Reck

School Building Committee – Terms expire June 30, 2015

Thomas R. Deso

Joseph J. Reilly

Dr. Malcolm Forsman

Dr. Marinel McGrath

Annie Gilbert

Edwin Ataide

William F. Held, II

Emil Frei, IV

Spring Grove Cemetery Trustees – Term expires June 30, 2017

John S. Bigelow

Veterans Services Agent – Term expires June 30, 2015

Michael Burke

And that the following Board of Selectmen re-appointments be approved:

Scholarship Committee – Terms expire June 30, 2015

David J. Reilly

Dr. Eric Stubenhaus

Janis J. Hill

Carolyn R. Hanson

Zoning Board of Appeals – Terms expire June 30, 2017

David W. Brown

Kate R. Bargnesi

IX. Approval of Minutes from Previous Meetings

Selectman Major motioned to approve the Board of Selectmen Regular meeting minutes of May 19, 2014 and June 2, 2014. Mary O'Donoghue requested an amendment to the June 2, 2014 Board of Selectmen minutes reflecting that the discussion on the MUNIS function for position control specifically talked about was for the Schools and that the Finance Director said she would put it on the fast track and operational by December 2014 and that the Town Manager or Finance Director would report back to the Board of Selectmen with the progress.

Amendment for June 2, 2014 Regular Meeting Minutes

Selectmen O'Donoghue motioned to amend the June 2, 2014 Board of Selectmen minutes to include the discussion on the MUNIS function for position control. Realizing the importance of implementing the same for the Schools, the Board requested ongoing information with regard to the progress of implementation with the date of December 2014 to be fully implemented. The motion was seconded by Selectman Salafia and voted 5-0 to amend.

On a motion by Paul Salafia and seconded by Paul Salafia, the Board of Selectmen voted 5-0 to approve the May 19, 2014 – Regular Meeting as presented and the amended June 2, 2014 Regular Meeting Minutes

X. <u>Adjournment to Executive Session</u>

At 10:10 P.M. Brian Major moved that the Board vote to go into Executive Session to discuss confidential legal advice from Town Counsel and litigation strategy in the matter of 2 Dufton Road and that the Chairman declare that an Open Session would be detrimental to the Town's litigation strategy and not to return to Open Session. The motion was seconded by Paul Salafia and voted 5-0 to approve: Roll call: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Brian Major-Y, Alex Vispoli-Y, Mary O'Donoghue-Y.

XI. <u>Executive Session</u>

Chairman Kowalski called the meeting to order at 10:12 P.M. in the Board of Selectmen's conference room in the Town Offices. On a motion by Brian Major and seconded by Paul Salafia, the Board entered into Executive Session for confidential legal advice from Town Counsel and litigation strategy and not to return to Open Session, and that the Chair declare that an Open Session would be detrimental to the Town's strategy. Roll call: Chairman Kowalski-Y and Selectmen Alex Vispoli-Y, Paul Salafia-Y, Brian Major-Y, and Mary O'Donoghue-Y. The Chairman so declared that an Open Session would be detrimental to the Town's strategy. At 10:48 P.M. on a motion by Paul Salafia seconded by Brian Major, the Board adjourned from Executive Session. Roll call: Chairman Kowalski-Y and Selectmen Alex Vispoli-Y, Paul Salafia-Y, Brian Major-Y, Mary O'Donoghue-Y.

Respectfully submitted,

Dee DeLorenzo Recording Secretary

Documents: Public Hearing Notice – National Grid

Verizon Ascertainment Hearing Legal Notice

 $\label{thm:memory:problem} \mbox{Memo from Town Clerk re: Liquor License Extension Request - Feng Fu\ , Inc.} \\ \mbox{Investment Policy Request}$

Memo from Municipal Services Director re: Award of Solid Waste & Recyclable Material Collection Contract

Memo from Municipal Services/Plant & Facilities Deputy Director re: appointment of full-time Carpenter Retirement Board Presentation